

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCULLOM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL ACTION NO. 3:12cv02037

**UNOPPOSED MOTION TO WITHDRAW DEFENDANT
LIVINGSTON'S FRCP 12(C) MOTION FOR JUDGMENT
ON THE PLEADINGS WITHOUT PREJUDICE**

Defendant Brad Livingston, through the Attorney General of Texas, files this **Unopposed Motion to Withdraw Defendant Livingston's FRCP 12(c) Motion for Judgment on the Pleadings without Prejudice**. In support thereof, Livingston would respectfully show the following:

1. Livingston moves the Court to grant this motion to withdraw **Defendant Livingston's FRCP 12(c) Motion for Judgment on the Pleadings**. (D.E. 19).
2. There are new allegations against Livingston contained in **Plaintiffs' First Amended Complaint**. (D.E. 43).
3. Judicial economy will be served by permitting Livingston to withdraw his motion for judgment on the pleadings because it does not adequately address the new allegations raised in the amended complaint.
4. Livingston intends to respond to these new allegations in a motion for summary judgment.

5. For the aforementioned reasons, Livingston moves the Court to grant this unopposed motion to withdraw without prejudice **Defendant Livingston's FRCP 12(c) Motion for Judgment on the Pleadings**. (D.E. 19).

Respectfully submitted,

GREG ABBOTT

Attorney General of Texas

DANIEL T. HODGE

First Assistant Attorney General

DAVID C. MATTAX

Deputy Attorney General for Defense
Litigation

KAREN D. MATLOCK

Assistant Attorney General
Chief, Law Enforcement Defense
Division

/s/Bruce R. Garcia

BRUCE R. GARCIA

Assistant Attorney General
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

On April 5, 2013, pursuant to Local Rule 7.1, I conferred with Jeff Edwards and Scott Medlock, attorneys for the plaintiffs. They indicated they were not opposed to this motion.

/S/Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General

NOTICE OF ELECTRONIC FILING

I, **BRUCE R. GARCIA**, Assistant General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above in accordance with the Electronic Case Files System of the Northern District of Texas, on this the 8th day of April, 2013.

/S/ Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **BRUCE R. GARCIA**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Unopposed Motion to Withdraw Defendant Livingston's FRCP 12(c) Motion for Judgment on the Pleadings without Prejudice** has been served by placing same in the United States Mail, postage prepaid, on April 8, 2013 addressed to:

Jeff Edwards
The Edwards Law Firm
The Bremond Houston House
706 Guadalupe
Austin, Texas 78701

Scott Medlock
Texas Civil Rights Project
1405 Montopolis Drive
Austin, Texas 78741

Eliot Shavin
2600 State Street
Dallas, Texas 75204

/S/ Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General